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THE HOUSE: 1988

A SUMMARY OF LEGISLATIVE ACTIONS

GOVERNMENT DOCUMENTS
ALB I 1988

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From the Office of
SPEAKER GEORGE KEVERIAN
Massachusetts House of Representatives

This report details the numerous legislative accomplishments of the 1988 session. Faced with a major revenue shortfall the Legislature has responded and worked cooperatively with the Administration in order to provide the revenue to balance the fiscal 1988 budget.

Although the fiscal crisis has required an inordinate effort, we as legislators can point to our 1988 achievements.

From these accomplishments it is evident to me that the Legislature has demonstrated its commitment to providing the means for dealing with major issues facing our state.


GEORGE REVERIAN
Speaker



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C O N T E N T S

1988 LEGISLATION

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1988
HOUSE OF REPRESENTATIVES
Legislative Statistics

TOTAL BILLS

House	6312
Senate	1933
Total	8245

TOTAL CHAPTERS

Acts	335
Resolves	5

1988

Major Legislative Achievements

ANNUAL STATE BUDGET

\$11.615 billion total

The budget for the 1989 fiscal year sets most program funds at their current levels, but also recognizes critical needs and has provided additional funds for:

- a cost of living increase for AFDC recipients
- AIDS research expansion
- Expanded teen pregnancy prevention program
- Additional prison beds
- Expansion for homelessness prevention programs

The local aid commitment totaled \$2.4 billion which represents a \$208 million increase over last year.

UNIVERSAL HEALTH CARE LAW

Massachusetts is the first state in the nation to adopt a universal health care law that will insure that health care coverage is available to all.

The new law will provide health care coverage by 1992. During the next four years, employers will be afforded tax incentives and assistance to encourage them to offer health insurance to their employees. Beginning in January 1992, employers will be required to contribute the equivalent of 12 percent of the first \$14,000 in wages to a health insurance pool. Employees can purchase health insurance from this pool.

Employers who provide their employees insurance coverage will be able to deduct those expenditures from their required contribution.

Companies with five or fewer employees are exempt from contributing to the insurance pools.

The new law also makes health insurance available to everyone not covered by a work plan. This aspect of universal health care will be administered by a new Department of Medical Security.

It is estimated that the new Universal Health Care Law will provide coverage for 600,000 people.

CHILD PORNOGRAPHY LAW

This law is directed at the producers and purveyors of child pornography, and adds to the states effort against the sexual abuse and exploitation of innocent children.

Essentially, it conforms the current state law with a recent Supreme Judicial Court decision and restores the prohibition against production and/or dissemination of nude or sexually explicit visual representations of children to the criminal statutes.

COCAINE LAWS

Two new weapons were added to the state's arsenal in its battle to stem drug trafficking. Chapter 124 calls for lowering the minimum quantity of cocaine possessed from 28 grams to 14 grams. A conviction for possessing this amount requires a mandatory prison term. In addition, the law raised the sentence for possessing 28 grams or more to a mandatory five year term. A mandatory 10-year sentence has been established for the conviction of trafficking in 100 grams or more.

While, Chapter 125 calls for a one-year mandatory sentence for first offenders convicted of possession with intent to distribute cocaine; second offenders face a five-year minimum to 15 year maximum sentence. The law also increases from three to five years the mandatory sentence for selling cocaine to a minor.

JUDICIARY/COURT FACILITIES

Major gains were made in upgrading the Judiciary. Faced with an ever increasing case load the current authorized number of judges has been unable to deal effectively with the demand. In order to address this problem, 35 new judges will be hired over the next two years. In addition, in order to maintain the high professional quality of the Judiciary, Chapter 206 authorizes the Supreme Judicial Court and Chief Administrative Justice to make arrangements for both pre-service and in service training programs.

Courthouses throughout the state have fallen into disrepair and are inadequate to handle the high volume of business forced upon them. In order to meet the critical needs of the courthouse system, Chapter 203 provides \$50 million for emergency repairs and \$250 million for repairs, renovation and new construction. In all, buildings housing 11 county courts will be taken over by the state.

BIENNIAL TRANSPORTATION BOND ISSUE - CHAPTER 15

Total Amount: \$3.1 Billion

Allotment:

D.P.W.:	\$ 1.7 Billion
M.B.T.A.:	1.2 Billion
CITIES & TOWNS:	178 Million

INCLUDES:

\$ 80 million	Chapter 90
30 million	P.W.E.D.
50 million	Off Street Parking Facilities
5 million	Water & Sewer Projects
5 million	Salt Storage Sheds
3 million	Highway Access Roads

Will provide for major highway and transit improvements throughout the entire state.

INCLUDES:

- \$ 100 million for improvements to North Station for the depression of the Green Line.
- \$ 195 million for passenger rail service on the former Old Colony Line.

PROVIDES FOR:

- Purchasing 64 new commuter rail coaches.
- Overhauling 24 coaches and locomotives.
- Purchasing 200 new busses.
- Constructing an inter-city terminal at South Station.
- Replacing the Northern Avenue Bridge.
- Resurfacing Route 6 from Sandwich/Barnstable line to the Dennis/Harwich line.
- \$ 3 million for purchasing vehicles accessible to the handicapped.
- \$ 31 million for MDC Beach improvements.
- \$ 6 million in capital grants for regional transit authorities.
- \$ 7.5 million to purchase and preserve scenic open space adjacent to state highways.

HIGHER EDUCATION CAPITAL OUTLAY - CHAPTER 208

This law when combined with the capital section of the state budget will provide over \$437 million during fiscal year 1989 for construction and renovations to public higher education system facilities.

INCLUDES:

- \$ 18 million for the development of Massachusetts College of Art campus.
- \$ 5 million for repairs at Massachusetts Maritime Academy.
- \$ 50 million for repairs at the University of Lowell mill site.
- \$ 10 million for a coastal zone resource lab at SMU.
- \$ 31 million for an engineering research building at U MASS/Amherst.
- \$ 11 million for an outpatient care facility at U MASS/Worcester.
- \$ 1.2 million for Greenfield Community College.
- \$ 11.2 million for library materials.

AUTOMOBILE INSURANCE REFORM - CHAPTER 273

Projected to save motorists an estimated \$400 million in 1989 automobile insurance rates. This new law calls for a major overhaul of the state's automobile insurance law. It essentially provides consumers with an average reduction of 8.2% on their automobile insurance premium this year. This is achieved by a variety of initiatives and changes in the current law. The law updates the no-fault auto system by increasing the tort threshold from \$500 to \$2,000, and PIP benefits from \$2,000 to \$8,000. The law seeks to eliminate fraud and abuse through a "salvage title" law and through registering auto body repair shops. Also, insurers may develop a plan with the approval of the Insurance Commissioner to make a direct payment to insureds

for repair work, and a plan to insurers to refer insureds to repair shops which are geographically convenient to the insured and will repair the vehicle for an agreed amount. In addition, the new law modifies the Safe Driver Insurance Plan to allow greater credits for good drivers, with higher credits for drivers the longer they have accident free records. While drivers with three or more unsafe driver points will be charged with higher rates.

IMPORTANT NEW LAWS

ANIMALS

CHAPTER 178

M.S.P.C.A SEARCH WARRANTS

Clarifies the M.S.P.C.A.'s authority to issue search warrants. Search warrants are used when the M.S.P.C.A. is investigating cases of bird fighting/blood sports.

CHAPTER 224

RELATIVE TO RESEARCH ANIMALS

Prohibits injury, damage or trespass upon property where animals are housed for research. The penalty provides for up to 10 years in state prison and a minimum fine of \$10,000. In other states animal rights activists have vandalized research facilities.

BUSINESS

CHAPTER 169

REQUIRING NOTIFICATION TO EMPLOYEES OF DEDUCTIONS FROM WAGES

Requires employers to give new employees written notification in the employees' first pay periods regarding the nature of any deductions and contributions.

CHAPTER 191

PROTECTING EMPLOYEES WHO WORK WITH OR ARE EXPOSED TO ASBESTOS

Prohibits a person or firm from requiring an employee, as a condition of employment to waive legal rights to collect damages as a result of exposure to asbestos.

CHILDREN

CHAPTER 128

GUIDELINES FOR VOLUNTARY PLACEMENT IN FOSTER CARE

Requires D.S.S. to develop guidelines for whether a child is in need of foster care.

CHAPTER 170

REQUESTS FOR PLACEMENT BY CHILDREN IN NEED

Requires that when D.S.S. is granted custody of a CHINS child and is determining appropriate placement they should consider the request of the child that he/she be placed outside of the home if there has been a history of abuse or neglect by a parent or guardian.

CITIES & TOWNS

CHAPTER 73

MUNICIPAL FUNDS

Removes the restrictions on the purposes for which excess overlay funds may be spent and provides that the unspent balance shall be transferred to surplus revenue at the end of the fiscal year.

CHAPTER 126

REAL ESTATE TAX ABATEMENTS

Changes the current laws by providing that a majority vote of a town meeting is required to abate certain real estate taxes.

CONSUMER PROTECTION

CHAPTER 114

REGULATING DENTAL SCHOOL GRADUATES

Qualifies individuals who have graduated from dental school to take the licensure examination to become dental hygienists.

CHAPTER 204

RELATIVE TO THE RETAIL SALE OF PAINTINGS

Requires mass-produced art to be clearly labeled as non-original art. To be classified as an original, a painting must be independently created, executed, and signed by the individual artist. There is a \$100 fine for such violation.

CRIMINAL JUSTICE - JUDICIARY

CHAPTER 24

PROHIBITING FURLOUGHS FOR FIRST DEGREE MURDERERS

Prohibits the temporary release of any offender who has been convicted of first degree murder.

CHAPTER 85

RELATIVE TO THE PURCHASE OF ALCOHOLIC BEVERAGES BY MINORS

Provides a \$300 fine for anyone under 21 years of age who attempts to purchase alcoholic beverages.

CHAPTER 124

INCREASING THE PENALTY FOR TRAFFICKING IN COCAINE

Lowers the amount of cocaine possessed from 28g to 14g, and increases the mandatory jail term for cocaine trafficking.

CHAPTER 125

MANDATORY SENTENCE FOR COCAINE DISTRIBUTION

Provides for a one year mandatory sentence for offenders convicted of possession with intent to distribute cocaine. Also, second offenders will now face a five-year minimum to 15 year maximum sentence.

CHAPTER 149

INCREASING THE FINE FOR THE SALE OF ALCOHOLIC BEVERAGES TO MINORS

Increases the fine for the sale or delivery of alcoholic beverages to \$2000.

CHAPTER 151**INCREASED PENALTY FOR ILLEGAL DUMPING**

Increases the penalty for the disposal of refuse, rubbish, etc. on highways, or any public land, private property or in coastal or inland waters. Maximum fine is now \$2500.

CHAPTER 226**CHILD SEXUAL EXPLOITATION**

Strengthens the protection against sexual exploitation of children by restoring to the law a prohibition against the production and/or distribution of nude or sexually explicit visual representation of children.

CHAPTER 295**FALSE HEALTH CLAIM**

Establishes severe penalties for anyone filing false claims for medical services. It calls for fines up to \$10,000 or jail or prison terms of up to five years.

EDUCATION**CHAPTER 137****TO PROTECT THE RIGHT OF STUDENTS TO FREE
EXPRESSION**

Guarantees students freedom of speech and the press.

ELDERLY**CHAPTER 21****MEDEX INSURANCE**

Prevents physicians who receive payment for treating elderly patients under a policy of Medex insurance from balance billing.

CHAPTER 292

PROPERTY TAX ABATEMENTS FOR ELDER CITIZENS

This law adds a new local option clause exemption and increases the exemption of real property valuation from \$60,000 to \$150,000.

ELECTIONS

CHAPTER 71

ABSENTEE BALLOTS

Permits qualified voters to submit one absentee ballot application in order to receive absentee ballots for each primary and general election which occur within the same calendar year.

ENERGY

CHAPTER 95

PROMOTING ENERGY CONSERVATION

Expands the "Massachusetts Appliance Efficiency Standards Act" by directing the Secretary of the Executive Office of Energy Resources to establish energy efficiency standards and certification procedures for new incandescent, fluorescent and halogen light bulbs used in commercial, or industrial buildings installed after January 1, 1990.

CHAPTER 129

AUTHORIZING CONSERVATION FUNDING BY THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY

Authorizes MMWEC to issue long-term bonds to finance and implement energy conservation and load management programs and systems. The law now allows investments in both supply and demand side options.

CHAPTER 156

REGULATING THE EFFICIENCY OF FLUORESCENT LAMPS

Allows the sale of low power factor electronic fluorescent ballasts that are used in residential "shop light" fixtures through 1991.

ENVIRONMENT

CHAPTER 87

PURCHASING RECYCLED PRODUCTS

Authorizes the Commissioner of Administration & Finance to purchase recycled paper products for use in state services.

GOVERNMENT

CHAPTER 116

OPEN MEETING LAW

Provides that no vote taken by a "Governmental Body" in an open session or meeting shall be by a secret ballot.

CHAPTER 180

REGULATING THE DISCLOSURE OF PUBLIC RECORDS

Mandates that the part of the records of a public library which reveals the identity and intellectual pursuits of a person (library card or checkout records) using such a public library is not a public record and therefore is not open to inspection by the public.

MISCELLANEOUS

CHAPTER 168

MENTAL HEALTH ADVISORY COUNCIL

Requires that one member of the State Advisory Council to the Department of Mental Health be "a professional in the field of children's mental health."

CHAPTER 174

ANNUAL OBSERVANCE OF ALZHEIMER'S AWARENESS WEEK

Directs the Governor to annually issue a proclamation setting apart the week following the Sunday following the first Monday of September as Alzheimer's Awareness Week

CHAPTER 179

ILLEGAL PARKING NEAR A FIRE HYDRANT

Establishes a fine of not more than \$100. for parking within ten feet of a fire hydrant.

CHAPTER 183

REGULATING THE CHARITABLE DONATION OF FOOD

No person or non profit corporation which distributes or serves food without charge is subject to any fees charged by any board of health for a permit; and individuals who prepare food in private homes for charitable donations are no longer subject to licensure or regulation. The D.P.H. will provide advisory guidelines for the safe and sanitary preparation of food in private homes.

CHAPTER 231

MASSACHUSETTS STATE TRACK FACILITY

Authorized the Division of Capital Planning and Operations to design and construct the Massachusetts State Track Facility utilizing the "Turnkey" method of construction.

CHAPTER 270

COST EFFICIENT ESTABLISHMENT OF PUBLIC ASSISTANCE RATES FOR CHRONIC DISEASE HOSPITALS

The purpose of the law is to provide chronic hospitals with financial and administrative relief in their efforts to provide quality health care to some of the Commonwealth's most medically needy citizens. First, it provides for wage increases for chronic hospital direct care workers. Second, it allows chronics more flexibility in appealing Rate Setting Commission decisions to the Division of Administrative Law Appeals. Finally, it determines criteria by which a patient's medical needs are assessed and appropriate payment rates are determined. The cost of this to the state Medicaid program is estimated to be \$3.0 to \$5.0 million.

CHAPTER 277

PRESCRIPTION LABELLING FOR VISUALLY IMPAIRED

This law provides the elderly or visually impaired with larger printed prescription labels. Pharmacists are required to make prescription labels for drug containers with type having not more than ten characters per inch, if requested by a person who is elderly or visually impaired.

PUBLIC SAFETY

CHAPTER 150

INSPECTION OF VEHICLES TRANSPORTING STUDENTS

Vehicles carrying no more than 8 passengers will now be required to have a semi-annual safety inspection in addition to the annual inspection.

CHAPTER 162

REQUIRING STOP WARNING DEVICES ON SCHOOL BUSES

Requires the mounting of stop warning devices on all school buses. In addition, all school buses must be equipped with stop arms by January 1, 1994.

CHAPTER 221

RELATIVE TO HANDICAPPED PLATES

Allows the Registrar to issue handicapped plates to the vehicles of nonprofit organizations used to transport handicapped persons.

TAXATION

CHAPTER 31

BED & BREAKFAST ESTABLISHMENTS

Imposes the room occupancy excise on "bed & breakfast" establishments with four or more rooms and exempts "bed & breakfast homes" with three or fewer rooms from the room occupancy excise.

CHAPTER 200

RESIDENTIAL CLASSIFICATION BURDENS

Updates the classification law by adjusting the minimum residential factor ... from 65% to 50%. Also increases the commercial factor from 150% to 175%.

VETERANS

CHAPTER 64

FLYING OF THE PRISONERS OF WAR AND MISSING IN ACTION FLAG

Authorized and directs the Superintendent of State Office Buildings to fly the P.O.W./M.I.A flag on the grounds of the State House and at other state buildings.

